

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q92162

Toshihito KUMAGAI, et al.

Appln. No.: 10/569,833

Group Art Unit: 1614

Confirmation No.: 5332

Examiner: Meghan R. Finn

Filed: February 28, 2006

For: 1,3-DIHYDRO-2H-INDOL-2-ONE DERIVATIVE

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction Requirement, dated July 22, 2008. In response to the Restriction Requirement, Applicants elect Group I, claim 1-5 and 7-8, drawn to compounds of formula I or formula II for examination.

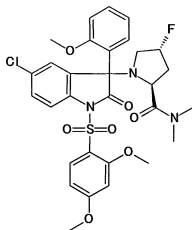
In response to the election of species requirement, Applicants further elect the compound of Example 1 as the elected species, i.e., (4R)-1-[5-chloro-1-[(2,4-dimethoxyphenyl)sulfonyl]-3-(2-methoxyphenyl)-2-oxo-2,3-dihydro-1H-indol-3-yl]-4-fluoro-N,N-dimethyl-L-prolinamide (levorotatory isomer). See page 28 of the specification.

The elected compound has the following structure as shown in Table 1-1 at page 84 of the specification:

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

U.S. Application No.: 10/569,833

Attorney Docket No.: Q92162



wherein, with respect to formula (I): R₁ is halogen; R₂ is hydrogen; R₃ is C₁ to C₄ alkoxy group; R₄ is hydrogen; R₅ is hydrogen; R₆ is dimethylamino; R₇ is C₁ to C₄ alkoxy; and R₈ is C₁-C₄ alkoxy.

Claims 1-5 and 8 read on the elected species.

This election is made without traverse.

Applicant reserves the right to file a Divisional Application directed to non-elected subject matter.

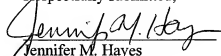
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U.S. Application No.: 10/569,833

Attorney Docket No.: Q92162

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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23373

CUSTOMER NUMBER

Date: August 20, 2008